

is set forth in the record sent to the said court of appeals; the cost of such production, in every case, to be paid by the party applying for the production of said paper.

Under this section, the court has the right to verify or correct the printed record, by referring to the original documents. *Bowman v. Little*, 101 Md. 316.

This section carried out. *Gordon v. Smith*, 103 Md. 318.

### Appeal Bonds.

1904, art. 5, sec. 53. 1888, art. 5, sec. 51. 1860, art. 5, sec. 31. 1713, ch. 4, sec. 2. 1811, ch. 171. 1826, ch. 200, sec. 1.

**53.** No execution upon any judgment or decree in any court of law or equity shall be stayed or delayed, unless the person against whom such judgment or decree shall be rendered or passed, his heirs, executors, or administrators, or some other person in his or their behalf, shall immediately, upon praying an appeal from any such judgment or decree, or suing out a writ of error upon any such judgment, enter into bond with sufficient securities in at least double the sum recovered by such judgment or decree, or in double the value of the matter or thing in controversy, which shall have been recovered or decreed, if a movable chattel or chattels, to be estimated by the court from whose judgment or decree the said appeal shall be made or writ of error directed, with condition as follows or to the following effect: That if the said party appellant, or party suing out such writ of error, shall not cause a transcript of the record and proceedings of the said judgment or decree to be transmitted to the court of appeals within the time required by law, and prosecute the said appeal or writ of error with effect, and also satisfy and pay to the said party in whose favor such judgment or decree was rendered or passed, his executors, administrators or assigns, in case the said judgment or decree shall be affirmed, as well the debt, damages and costs, or the damages or sum of money or other matter or thing, and costs, adjudged in the court from which the appeal is taken, or writ of error sued out, as also all damages and costs that may be awarded by the court of appeals, then the said bond to be and remain in full force and virtue, otherwise of no effect.

#### Insufficient bond.

An appeal bond conditioned to prosecute an appeal in a court which has no existence, is not binding and does not stay execution. *Tucker v. State*, 11 Md. 322.

A bond with one surety is not in compliance with this section. *Harris v. Regester*, 70 Md. 119.

A bond not in accordance with this section does not stay the proceedings. *Johnson v. Goldsborough*, 1 H. & J. 501. *Cf. Smith v. Dorsey*, 6 H. & J. 261.

If a bond is insufficient, the appellee's remedy is by application to the lower court to compel the filing of a proper bond. If he fails so to apply, the court of appeals is powerless. *Fullerton v. Miller*, 22 Md. 9.

#### Generally.

The bond, and not the appeal, operates to stay further proceedings. *Barnum v. Barnum*, 42 Md. 294.

After the appeal is taken and a bond filed and approved, no step can be taken which may prejudice the appellant. *Ohio R. R. Co. v. Winn*, 4 Md. Ch. 254.